IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.515 OF 2000

Bhaskarrao Ramchandra Walke ..Petitioner.
Vs.
Mangal Anant Korgaonkar & Ors. ..Respondents.

...

Mr. A.G. Damle for the Petitioner.
Mr. B.G. Tangsali for Respondent No.1.

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CORAM: DR. D.Y. CHANDRACHUD, J.
19th June, 2006.

P.C. :

Prima facie it appears from a reading of the judgment and order of the Additional District Judge that both on the question of arrears and on the question of subletting the Appellate Court has not really considered all the material on the record. In the circumstances, an adjournment was sought by and was granted to the learned counsel in order to consider as to whether parties are agreeable to an order of remand without the expression of reasons,in order not to foreclose a due consideration of the merits of the matter by the Appellate Court. The following order is passed, since the learned counsel are agreed to the following order and that no further reasons

need be recorded :

i) The impugned order of the Additional District Judge dated 15th September, 1999 in Regular Civil Appeal 49 of 1996 is quashed and set aside;

ii) Regular Civil Appeal 49 of 1996 is restored to the file of the Additional District Judge, Sindhudurg;

iii) The Additional District Judge, Sindhudurg shall dispose of Regular Civil Appeal 49 of 1996 afresh on merits after furnishing to the parties an opportunity of being heard and preferably within a period of six months from today;

iv) All the rights and contentions of the parties are kept open;

v) Until the First Appellate Court disposes of the proceedings, the decree for eviction shall remain stayed.

The Petition is disposed of in the aforesaid terms. There shall be no order as to costs.